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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,609	11/22/2005	Jong-Ho Lee	1338-0208PUS1	6204
2292 7590 10/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MCPARTLIN, SARAH BURNHAM	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 10/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/557,609	LEE, JONG-HO	
	Examiner	Art Unit	
	Sarah B. McPartlin	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/29/07 & 11/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim for foreign priority based on application numbers 10-2003-0032799 and 10-2004-0033481 filed in Korea on May 23, 2003 and May 12, 2004 respectively.

Information Disclosure Statement

2. The information referred to in the information disclosure statements filed on November 11, 2005 and May 29, 2007 have been considered as to the merits.

Claim Objections

3. Claims 1-8 are objected to because of the following informalities:
 - Claim 1, lines 1-3: It appears as if the phrase "In a chair having a seat, a backrest and support legs, a chair having an automatically adjustable backrest for thereby preventing various backbone-related diseases, comprising:" should be replaced with the phrase - - In a chair having a seat, a backrest and support legs, the backrest being automatically adjustable for thereby preventing various backbone-related diseases, comprising: - - for the sake of clarity.
 - Claim 1, line 13: It is not clear whether the phrase "the cylinder" is referring to the hydraulic pressure-applying cylinder or the reciprocation operation cylinder.

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- Claim 1, line 18: It appears as if the phrase “a reciprocation operation cylinder” should be replaced with the phrase - - the reciprocation operation cylinder - - since this element was already recited in claim 1, line 10.
- Claim 1, lines 19-21: It appears as if the phrase “the piston rod is appeared as the hydraulic pressure in inputted when the hydraulic pressure is discharged from the hydraulic pressure-applying cylinder” should be replaced with the phrase - - a piston rod extends as hydraulic pressure is inputted into the reciprocation operation cylinder and discharged from the hydraulic pressure-applying cylinder - - for the sake of clarity.
- Claim 1, lines 21-23: It appears as if the phrase “when the hydraulic pressure-applying cylinder collects the hydraulic pressure, the hydraulic pressure is discharged for thereby disappearing the piston rod” should be replaced with the phrase - - when the hydraulic pressure-applying cylinder collects hydraulic pressure discharged from the reciprocation operation cylinder, the piston rod retracts - - for the sake of clarity.
- Claim 1, line 24: It appears as if the word “that” should be deleted.
- Claim 1, line 30: It appears as if the word “that” should be deleted.
- Claim 1, line 33: It appears as if the word “that” should be deleted.
- Claim 3, line 2: Applicant states that a shaft support member is “fixed to both sides” in line 2. Both sides of what? Both sides of the guide box? Clarification is required.
- The following words/phrases lack sufficient antecedent basis:

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- the weight (claim 1, line 9)
- the forward and backward directions (claim 1, lines 15-16)
- the interior (claim 1, line 18; claim 3, line 7)
- the piston rod (claim 1, line 19)
- the hydraulic pressure (claim 1, line 19)
- the hydraulic pressure line (claim 2, line 5)
- the flow (claim 2, line 6)
- the pressure adjusting valve (claim 2, line 7)
- the discharge amount (claim 2, line 7)
- the forward side (claim 4, line 5)
- the backward side (claim 4, line 6)
- the upper and lower surface (claim 5, lines 3-4)
- the front side (claim 8, line 5)
- the rear end (claim 8, line 6)

Claims 6 and 7 are objected to as being dependent upon an objected base claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 4, 6 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 4, line 1: It appears as if the phrase "claim 1 or" should be deleted. If claim 4 were dependent from claim 1, "said stopper" and "the operation shaft," recited in claim 4, line 2, would lack antecedent basis.
- Claims 6 and 7, lines 1-2: The phrase "installed at a portion higher than the seat as a lower side of the backrest frame" is not clear. Clarification is required.
- Claims 6 and 7, lines 3-9: This language is not clear and does not conform to idiomatic norms. Clarification is required.

Allowable Subject Matter

6. Claims 1-8 would be allowable if rewritten to overcome the objections and rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bowen (1,685,770); Suominen (5,344,216) Bauer et al. (5,421,640); Condos (5,516,197) and Hong (5,902,013).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah B. McPartlin/
Patent Examiner
Art Unit 3636

SBM
October 18, 2007.